

propriation therefor." Read first time and referred to the Committee on General Land Office.

On motion of Senator Parsons the Senate at 11:35 A. M. adjourned to 10½ A. M. to-morrow.

FOURTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, Sept. 27, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent, excused—Senators Hall and Pickett.

Prayer by the Chaplain.

Pending the reading of the journal of yesterday, Senator Flanagan moved that the further reading be dispensed with. Motion carried.

MESSAGES.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting, for concurrence, House bills as follows :

House bill No. 130, "An act to prohibit the sale, or otherwise disposing, of spirituous or vinous liquors within two miles of Pittsburg Institute, Upshur county, Texas;" House bill No. 688, "An act to repeal an act entitled 'An act to authorize the citizens of Wallace's Prairie, Grimes county, to erect gates across the public roads in said prairie,'" passed May 18, 1871; House bill No. 706, "An act for the relief of Pedro Hernandez;" House bill No. 709, "An act to amend an act entitled 'an act to incorporate the Bank of Cleburne;'" House bill No. 716, "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871;" House bill No. 718, "An act making an appropriation for the *per diem* pay of the members, officers and employes of the Twelfth Legislature;" House bill No. 726, "An act to authorize Howard Keys and his associates to construct a toll bridge across Lake Fork of Sabine river;" Substitute House bill No. 731, "An act to amend section one of an act entitled 'an act to encourage stockraising, and for the protection of stockraisers,' approved May 22, 1871;" House bill No. 733, "An act to incorporate Edom Academy in Cook county, Texas;" House bill No. 735, "An act supplemental to and amendatory

of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' and to repeal an act entitled 'an act to incorporate the city of San Antonio, approved July 17, 1856,' and an act entitled 'an act to amend an act to incorporate the city of San Antonio, approved February 11, 1860; approved August 13, 1870;' " House bill No. 746, "An act to incorporate the Texas Land and Immigration Company;" House bill No. 757, "An act to establish a ferry across the Brazos river and to grant the right of way to the same;" House bill No. 762, "An act to provide for the payment of sheriffs in conveying prisoners to State penitentiary;" House bill No. 763, "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas."

Also, informing the Senate that the House has passed without amendments Senate bill No. 464, "An act to establish a ferry across the Big Brazos River at or near the northwest corner of Robertson county, in the counties of Robertson and Falls."

Also, transmitting for signature of the President, House bills as follows:

House bill No. 174, "An act to incorporate the Houston Shuetzen Verein;" House bill No. 580, "An act for the relief of R. E. Border, District Attorney of the Third Judicial District;" House bill No. 698, "An act to amend an act entitled "An act to incorporate the Belton Bridge Company," approved April 12, 1871;" House bill No. 717, "An act to incorporate the Union Club of the city of San Antonio."

Enrolled bills signed by the President in open session, and returned to the House.

Under direction of the President the Secretary returned to the House the following House bills, with information that the Senate had passed the same without amendment:

House bill No. 444, "An act to authorize William Burney and Thomas Burney to erect a toll bridge over Pin Oak creek in the county of Limestone, Texas;" House bill No. 556, "An act supplementary to an act entitled 'an act to incorporate the Western Narrow Gauge Railway Company,' passed August 4, 1870."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred

Senate bill No. 470, entitled "An act to amend 'an act further regulating proceedings in the several courts of the State of Texas,' approved May 19, 1871," instruct me to report the same back and recommend its passage.

Respectfully,
W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 452, entitled "An act for the relief of tax payers," instruct me to report the same back and recommend its passage.

Respectfully,
W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 446, entitled "An act to authorize the County Court of Galveston county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county, instruct me to report the same back and recommend its passage.

Respectfully,
W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 234, entitled "An act to cede to and confer upon the city of Indianola all the right, title and interest of the State in and to the flats adjacent to said city in the waters of Matagorda Bay in trust for the purposes and upon the conditions herein specified," instruct me to report the same back and recommend its passage.

Respectfully,
W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred, Senate bill No. 459, entitled "An act to provide for the payment of the outstanding indebtedness of the counties," passed July 21, 1870, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 469, entitled "An act to carry into effect section ten of article twelve of the Constitution concerning a change of venue," instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Reports read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Pettit: a bill (Senate bill No. 479) to be entitled "An act supplementary to an 'act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871." Read first time and referred to the Committee on Public Debt.

Also, a bill (Senate bill No. 480) to be entitled "An act supplementary to 'an act to organize and maintain a system of public free schools in the State.'" Read first time and referred to the Committee on Education.

On motion of Senator Baker, the rules were suspended to consider House bill No. 234 and report of the Judiciary Committee thereon.

On motion of Senator Cole, the bill was made the special order for Saturday next at 11 A. M., and at that hour from day to day until finally disposed of.

By leave Senator Ruby introduced a bill, Senate bill No. 481, to be entitled "An act to incorporate the Library Building association of Galveston."

Read first time and referred to the Committee on Education.

Also, a bill Senate bill No. 482, to be entitled "An act to amend an act entitled, 'an act to encourage stockraising and for the promotion of stockraisers,' passed May 22, 1871."

Read first time and referred to the Committee on Stock and Stockraising.

On motion of Senator Dohoney the rules were suspended to take from file Senate bill No. 459, "An act to repeal 'an act providing the payment of the outstanding indebtedness of the counties,' passed July 21, 1870." Read second time.

Senator Mills moved to postpone the further consideration of the Bill until Wednesday next, October 4, at 11 o'clock A. M.

Yeas and nays called for, with the following result:

Yeas—Mr. President, Baker, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Raby, Sayfor—14.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Pyle, Shannon—8.

Senator Bowers made the point of order that, though the consideration of a bill might be postponed by a majority vote, a two-thirds vote was necessary to postpone and make the special order for a certain day and hour, and that the bill had not been made a special order by the foregoing vote.

The President stated that, as the motion was made simply to postpone the bill to a subsequent day, there was no point of order at issue in this case, but that he would announce the ruling of the Chair upon the point raised at some subsequent day.

Special messages from the Governor by his private secretary, Mr. F. P. Britton, were announced as follows:

GOVERNOR'S OFFICE, }
Austin, Sept. 26, 1871. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to enclose herewith copies of communications from Hon. William Belknap, Secretary of War of the United States, and General J. J. Reynolds, commanding Department of Texas, in relation to the embarrassment experienced by the military authorities in locating posts and stations in Texas.

I recommend to your honorable body that further legislation be enacted to facilitate the United States Government in procuring the titles to lands desired for the above purposes. The law as it at present exists (act of December 19, 1849,) is defective in that it applies only to territory of counties attached to and part of some one of the judicial districts; and even within these, especially in the

sparsely settled counties of the frontier, the process of condemnation of land for such sites is very inefficient. Outside of the counties attached to some judicial district there is no process of law for such condemnation.

Very respectfully,
EDMUND J. DAVIS, Governor.

WAR DEPARTMENT,
WASHINGTON CITY, Aug. 14, 1871. }

To the Governor of the State of Texas :

SIR : I have the honor to call your attention to the embarrassment experienced by the military authorities in locating posts and stations in Texas, from the proceedings of speculators, who as soon as a site is selected, enter the lines and expect larger rents than those ordinarily paid, or to succeed to the government buildings, which proceedings are very detrimental to the interests of the United States.

In consideration of the protection afforded the State of Texas by the presence of United States troops, I think it should use its utmost power to provide suitable sites for forts, etc., and unless such assistance be rendered, the government may be compelled to withdraw its troops from Texas altogether.

I have therefore to request your earnest consideration of this matter, which is one of considerable importance to the interests involved.

Very respectfully your obedient servant,
(Signed) WILLIAM W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF TEXAS, }
(TEXAS AND LOUISIANA) }
SAN ANTONIO, Texas, Sept. 16, 1871. }

His Excellency, E. J. DAVIS, Governor of Texas :

GOVERNOR : I have the honor to request that you will lay before the Legislature, now in session, the subject of condemnation of land required by the United States for military posts and reservations on the frontier. The State of Texas when annexed to the United States having reserved to herself the right of eminent domain, precludes the Congress of the United States from acting in the premises. The War Department has determined to furnish no more money for building posts on the frontier until the title to the land occupied can be vested in the United States or lease can be made with the privilege of purchase by the United States. Owing

to the great difficulty in finding owners and obtaining their consent to leases on reasonable terms. The latter method, if not wholly impracticable, will lead to indefinite delay, to the great detriment of the frontier and the army.

I would respectfully state, as suggested by General Sherman during his recent visit to the Texas frontier, that the most direct method of meeting the question seems to be for the Legislature to pass a law making lands occupied by the United States for military purposes on the frontier liable to condemnation in the same manner as lands required for railroad purposes. Arbitrators can then fix the value of the land, and the owners will be paid for the same by the United States.

I am Governor, very respectfully, your obedient servant,
(Signed)

J. J. REYNOLDS,
Brev. Maj. Gen. U. S. A. Commanding.

GOVERNOR'S OFFICE. {
Austin, Sept. 27, 1871, {

Hon. DON CAMPBELL,

President of the Senate of Texas:

SIR: I ask the consent of the Senate to the withdrawal of my message to that body, of May 24, 1871, returning for reconsideration the act entitled "An act making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers and employes of the Twelfth Legislature of the State of Texas."

The most cogent reason I then had for asking the reconsideration of the act is not now applicable, and if that act should fail to pass over the veto, there is some doubt whether a similar act, or one to supply deficiencies in the Legislative Department, can properly be enacted during the present session.

Very respectfully,

EDMUND J. DAVIS, Governor.

Message read.

On motion of Senator Pettit, the rules were suspended to take from file Senate joint resolution No. 32 (joint resolution for the relief of Moran brothers).

On motion of Senator Douglas, Senate joint resolution No. 32 was indefinitely postponed.

Senator Bowers offered the following resolution:

Resolved, That the office of Postmaster of the Senate be dispensed with, until postage stamps can be procured for the use of members of this body.

Yeas and nays called for, and the resolution lost by the following vote :

Yeas—Messrs. Bowers, Broughton, Dohoney, Evans, Latimer, Shannon—6.

Nays—Mr. President, Cole, Douglas, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—16.

On motion of Senator Cole leave was granted to the Governor to withdraw his message of May 24, 1871, returning for reconsideration the act entitled "An act making an appropriation for the mileage and *per diem* pay of the officers and employes of the Twelfth Legislature of the State of Texas," and that the Secretary of the Senate be instructed to return the same forthwith.

By leave, Senator Saylor introduced Senate bill No. 483, to be entitled "An act to authorize the Governor to prepare and issue bonds to the amount of three million dollars, to meet deficiencies in the receipts of revenue and to consolidate the indebtedness of the State," read first time and referred to Committee on Finance.

By leave, Senator Pridgen introduced Senate bill No. 484, to be entitled "An act to provide for the examination and approval of bounty land warrant" No. 3093. Read first time and referred to Committee on General Land Office.

Also, Senate bill No. 485, to be entitled "An act for the relief of John A. Rogers." Read first time and referred to the Committee on Private Land Claims.

Senator Saylor offered the following resolution, which was adopted :

Resolved. That the Secretary of State be requested to procure a sufficient number of corrected copies of the Constitution of the State of Texas for the use of this body, and that the expense thereof be paid out of the contingent expenses of the Senate.

On motion of Senator Flanagan, the Senate at 12:15 P. M. adjourned to 10½ A. M. to-morrow.
